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OUTLINE OF CONDITIONS IN THE TRUST TERRITORY OF THE PACIFIC ISLANDS

Working paper prepared by the secretariat

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TRUST TERRITORY OF THE PACIFIC ISLANDS*

INTRODUCTION

1. In a letter dated 7 December 1990 addressed to the President of the Security Council (T/1951), 1/ the President of the Trusteeship Council, on behalf of the members of the Trusteeship Council, transmitted a draft resolution entitled "Partial termination of the Trusteeship Agreement for the Trust Territory of the Pacific Islands". The draft resolution was recommended for adoption by the Security Council.

2. At its 2972nd meeting, on 22 December 1990, the Security Council adopted the above-mentioned resolution as resolution 683 (1990). The resolution reads, in part, as follows:

> "The Security Council,
>
> "...
>
> "Satisfied that the peoples of the Federated States of Micronesia, the Marshall Islands, and the Northern Mariana Islands have freely exercised their right to self-determination in approving their respective new status agreements in plebiscites observed by visiting missions of the Trusteeship Council and that, in addition to these plebiscites, the duly constituted legislatures of these entities have adopted resolutions approving the respective new status agreements, 1/ thereby freely expressing their wish to terminate the status of these entities as parts of the Trust Territory,
>
> "...
>
> "Determines, in the light of the entry into force of the new status agreements for the Federated States of Micronesia, the Marshall Islands and the Northern Mariana Islands, that the objectives of the Trusteeship Agreement have been fully attained, and that the applicability of the Trusteeship Agreement has terminated, with respect to those entities."

"1/ See resolution No. 4-60 of the Congress of the Federated States of Micronesia (26 March 1986); resolution No. 62 N.D.-2 of the Nitijela of the Marshall Islands (18 February 1986); and resolution No. 76-1975 of the Fourth Mariana Islands District Legislature (20 February 1975).

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* Unless otherwise noted, the information contained in the present report has been derived from the current annual report of the Administering Authority to the Trusteeship Council (see note 3) or from previous reports.

An account of the Security Council's consideration of the above question is set out in paragraphs 117-119.

I. GENERAL

A. Land and people

3. Until December 1990, the Trust Territory of the Pacific Islands was composed of three archipelagos: the Marshalls, the Carolines and the Marianas. It consisted of four entities: the Federated States of Micronesia, the Marshall Islands, the Northern Mariana Islands and Palau. The island of Guam in the Marianas is not a part of the Trust Territory but is an unincorporated Territory of the United States of America. Palau is the only remaining entity of the Trust Territory of the Pacific Islands still under the Trusteeship Agreement. 2/

4. The Trust Territory of the Pacific Islands (Palau) is located in the Western Caroline Islands. It is composed of many islands, the largest of which is Babelthuap which has a land area of 404 square kilometres and a population of 3,600. The total land area of Palau is 492 square kilometres. According to the current annual report, 3/ the estimated population of Palau in 1990 totalled 15,105. Two thirds of the total population is located on Koror, the capital of Palau, which has a land area of 9.8 square kilometres.

B. War damage claims

5. War damage claims by the inhabitants of the Trust Territory fall into two broad categories: claims against the Governments of the United States and Japan, mainly for damages sustained by the indigenous inhabitants during the Second World War (Title I claims); and post-war claims against the Government of the United States (Title II claims).

6. The Micronesian Claims Commission, which was established in 1971 with authority to receive, examine, adjudicate and render decisions on war damage claims, completed its work in July 1976. The total amounts awarded by the Commission were $34,349,509 4/ under Title I and $32,634,403 under Title II. All claims under Title II have already been settled. With regard to the claims under Title I, the Governments of Japan and the United States had, in an agreement signed in 1969, joined in an ex gratia arrangement to make available a contribution of $5 million each towards the welfare of the inhabitants of the Territory. Consequently, that payment by the two Governments reduced the outstanding war claims under Title I to $24,349,509.

7. According to the 1987 annual report of the Administering Authority, 5/ budgetary provision of $12.5 million had been made to pay 50 per cent of the balance due under Title I war claims.

8. In its 1988 and 1989 annual reports, the Administering Authority states that processing of awards was transferred in 1983 from the Trust Territory headquarters to the United States Department of the Interior. During 1988, a system was established to distribute the balance of the $22 million still outstanding and distribution began in that year. The balance due for complete payment of the war claims obligations (about $10 million) was appropriated in the fiscal year 1989 budget and combined with the 1988 appropriation.

9. During the period under review, some $121,000 was received in Palau to cover Title I war claims for some 70 claimants. According to the current annual report, final payment of the Title I war claims is nearly complete. Title II payments were completed several years ago.

II. POLITICAL ADVANCEMENT

A. General political structure

10. As noted in paragraph 3, Palau is the only remaining entity of the Trust Territory of the Pacific Islands. Under Secretarial Order No. 3119 of 10 July 1987, the Administering Authority continues to act as Administering Authority until the Trusteeship Agreement 2/ becomes inapplicable to the Trust Territory of the Pacific Islands.

11. The Office of the High Commissioner was abolished on 10 July 1987 and its remaining responsibilities transferred to the Department of the Interior in Washington. A residual Office of the Transition with a staff of five is located in the Northern Mariana Islands to complete transfers of property and programmes.

12. In May 1990, the Department of the Interior announced that it would open an office in Palau and review the administrative structure of the Administering Authority as it pertains to the Trust Territory. In September of the same year, the leadership of Palau and the Assistant Secretary of the Interior met in Guam to draft a new secretarial order defining the responsibility of the Administering Authority and the Trust Territory.

13. Palau is a member of the South Pacific Commission (SPC) and an associate member of the Economic and Social Commission for Asia and the Pacific (ESCAP). It has observer status or membership in the Forum Fisheries Agency (FFA) and the Asia Pacific Telecommunity.

14. Regional Governments that offer training assistance include Australia, Japan and New Zealand.

B. Territorial government

Legislature

15. The legislative power in Palau is vested in the Olbiil Era Kelulau (National Congress), consisting of two equal houses - the Senate and the House of Delegates - whose members are elected for a four-year term. Although both houses are equal under the Constitution of Palau, the Senate has the additional power of advice and consent. The third Olbiil Era Kelulau took office in January 1989. There are 16 delegates, one from each of the states of Palau. Senators represent geographical districts determined according to population by a reapportionment commission. Reapportionment plans are drawn every eight years and prescribe the number of senators to be elected during the period the plan is in effect. At present, there are 14 senators consisting of 4 from the northern part of Palau, 9 from Koror and 1 from the southern islands. Members of the Olbiil Era Kelulau may be removed from office only by recall or impeachment.

16. The leadership of the Senate consists of a President, a Vice President, a Floor Leader and an executive committee consisting of these presiding officers and all standing committee chairmen. The leadership of the House of Delegates consists of the Speaker, the Vice Speaker, the Floor Leader and an executive committee.

17. The Constitution of Palau requires that a bill pass three separate readings on three separate days in each house before it becomes law. If a bill passes its third reading, it is transmitted to the other house of the Olbiil Era Kelulau where it undergoes essentially the same process. If passed by the other house in a modified form, it is returned to the original house, to accept or reject the changes. If the changes are rejected the presiding officers of each house appoints a conference committee, which attempts to reach agreement on the amendments. If the committee is able to reach agreement, its proposed changes are voted upon by each house.

18. A bill enacted by the Olbiil Era Kelulau is transmitted to the President. The President has 15 days within which to sign or veto the bill. All bills signed by the President and those allowed to become law without his signature are then transmitted to the Assistant Secretary, Office of Territorial Affairs, United States Department of the Interior, to be reviewed for consistency with applicable federal laws, the Trusteeship Agreement or treaties in force. The Assistant Secretary has 20 days in which to determine whether to allow the bill to become law or to suspend all or part of the legislation.

Executive

19. Executive power in Palau is vested in a President who is elected for a four-year term. The Vice-President, elected in the same manner, is an ex officio member of the Cabinet. A Council of Chiefs advises the President on matters concerning traditional laws and customs. Elections for the

national government were held in Palau on 2 November 1988, which resulted in the election of Mr. Ngiratkel Etpison as President. The eight ministries of the Executive Branch of the Palau Government are: State; Justice; Resources and Development; Commerce and Trade; Administration; Health; Education; and Community and Cultural Affairs.

C. State or municipal governments

20. Palau is composed of 16 states, which were formerly clusters of loosely linked hamlets. Each state has an elected governor and state legislature as well as a constitution. During the period under review, one state held a constitutional referendum to adopt a new constitution and four states held gubernatorial and state legislature elections.

D. Civil service

21. The Constitution of Palau provides for the appointment of national officers by the President with the advice and consent of the Senate. During the period under review, the Government of Palau employed 1,410 persons, a 4 per cent decrease from the previous year's level of 1,472.

E. Political education

22. According to the report of the United Nations Visiting Mission to Observe the Plebiscite in Palau, Trust Territory of the Pacific Islands, February 1990, 6/ the plebiscite was preceded by a political education programme carried out by a Political Education Committee, which represented a broad spectrum of Palauan public opinion. Under Republic of Palau Public Law No. 3-10, enacted by the Olbiil Era Kelulau, the Committee was mandated to inform and educate the people of Palau in an impartial manner on the contents of the Compact of Free Association and its subsidiary agreements, as well as of relevant United States legislation.

23. During its visit, the mission was informed that members of the Political Education Committee had visited all parts of Palau, as well as Palauan communities overseas. At the Mission's public meetings, in response to questions by Mission members about the presentations made by the Political Education Committee, the general view of the participants was that the political education programme had been conducted in a factual and unbiased manner. That was acknowledged even by opponents of the Compact, although some claimed that Committee members had given more attention to the benefits of the Compact than to what they regarded as its drawbacks.

24. According to the report of the 1990 Visiting Mission, copies of the Compact, the earlier subsidiary agreements and of the Guam Accord were freely available in both English and Palauan. Copies of all the political education material were made available to the Mission.

25. The Visiting Mission concluded that it had no doubt that, in general, the people of Palau had understood the purpose of the plebiscite and the question they were being asked. It considered that the people were by that time very familiar with the electoral process. Inevitably, not every individual had a full grasp of every detail of the Compact and the related agreements, but it was clear that Palauans at least had an adequate understanding of the underlying issues and of the implications of the Compact for their future. The Mission concluded that that was due in part to the Political Education Program, in part to the cumulative effect of previous plebiscites and to the activities of influential leaders on both sides, and in part to the high level of political awareness of the electorate.

F. Judiciary

26. According to the current annual report, during the year under review, the Trust Territory High Court remained in existence although there were no active cases. The Judge for the United States District Court for the Northern Mariana Islands, who was the former Chief Justice of the High Court, was appointed as a temporary Justice of the High Court by the Secretary of the Interior. Other judges may be appointed as required. The High Court continues to have limited jurisdiction over the judicial system in Palau.

27. Judicial power in Palau is vested in a Supreme Court, a National Court and such lower courts of limited jurisdiction as may be established by law.

28. On 10 July 1987, Secretarial Order No. 3119 from the Department of the Interior provided that "the Appellate Division of the High Court of the Trust Territory of the Pacific Islands shall retain jurisdiction ... to entertain appeals from the Appellate Division of the Supreme Court of Palau with respect to suits ... as regards the administration of the Trust Territory". On 14 January 1988, by an amendment to Secretarial Order No. 3119, it was declared that rulings of the courts of Palau would be conclusive on questions of local Palauan law, except in cases to which the Government of the Trust Territory of the Pacific Islands or the Government of the United States, its agencies or military or civilian personnel were parties.

29. According to the current annual report, during the period under review, the judicial system in Palau included the Supreme Court consisting of an Appellate Division and a Trial Division, the National Court, the Court of Common Pleas and the Land Claims Hearing Office. The Supreme Court is composed of a chief justice, three associate justices and three part-time associate justices, all of whom are members of both the trial and the appellate divisions. Justices of the Palau Supreme Court are appointed by the President of Palau from a list of candidates recommended by the Judicial Nominating Commission. Matters before the Trial Division are heard by one justice, except for murder cases, in which the Trial Judge determines questions of fact and penalty, with the assistance of two lay "special judges" whom he selects from a list of persons appointed by the President for specified terms. Questions of law remain solely within the province of a

trial judge. All appeals are heard by at least three judges. No justice may hear or decide an appeal of a matter heard by him in the Trial Division. The National Court consists of a presiding judge and such other judges provided for under the Palau Constitution. The Court of Common Pleas consists of a senior judge and an associate judge. The Land Claims Hearing Office which is under the administration of the National Judiciary of Palau, has been hearing land disputes since 1987 (see sect. III.D).

30. According to the current annual report, the Ministry of Justice in Palau is charged with the maintenance of domestic security and law enforcement.

III. ECONOMIC ADVANCEMENT

A. General economy

31. At its fifty-seventh session, the Trusteeship Council noted that the people of the Trust Territory, in the exercise of their right to self-government as set out in Article 76 b of the Charter of the United Nations, had elected to assume full responsibility for administration in the economic, social and educational fields. 7/

32. According to the report of the Administering Authority, during the year under review, the people and the freely elected Government of the Trust Territory continued to advance in the exercise of self-government and the discharge of responsibilities for the full administration of their social, economic and educational obligations. At the same time, the Administering Authority stated that it was preparing to provide greater guidance and counsel to the Government in order to comply with its obligations under the Trusteeship Agreement.

33. At its fifty-seventh session, the Trusteeship Council also noted the concerns of the Government of Palau regarding economic development and self-sufficiency. It shared the view that continued efforts were needed in that regard and welcomed the recent improvements reported in the tourism and fisheries sectors. 7/

34. In its current annual report, the Administering Authority agreed that continuing efforts were required in those important economic sectors and assured the Trusteeship Council that it would do what it could to assist the people of the Territory to attain greater economic self-sufficiency through responsible economic development.

35. At its fifty-seventh session, the Trusteeship Council welcomed the steps taken by the Administering Authority to assist Palau, particularly in the areas of fisheries enforcement, the campaign against drug trafficking and abuse, public health and safety, and the operation and maintenance of public works facilities. It hoped that further progress would continue to be made in those fields. 7/

36. In its current annual report, the Administering Authority assured the Council that it would continue to assist the Territory in those and other important sectors through a variety of programmes already in place.

37. According to the current annual report, the Palau Bureau of Foreign Affairs continued to participate in international and regional organizations, from which it received primarily technical assistance for socio-economic development. International organizations and agencies of the United Nations system continued to make available such assistance as training, workshops, conferences and consulting services to improve the skills of Palau's workforce. Assistance or training programmes were available from: United Nations Children's Fund (UNICEF), United Nations Development Programme (UNDP), United Nations Population Fund (UNFPA), International Labour Organisation (ILO), Food and Agriculture Organization of the United Nations (FAO), United Nations Educational, Scientific and Cultural Organization (UNESCO), World Health Organization (WHO), International Maritime Organization (IMO), United Nations Industrial Development Organization (UNIDO) and United Nations Commission on Transnational Corporations (UNCTC). Regional organizations that made assistance available to Palau include the Asia Productivity Organization, ESCAP, SPC, FFA, the Overseas Fisheries Cooperative Foundation and the Asia Pacific Telecommunity.

B. Public finance

38. Funding for government operations and capital improvement programmes in the Trust Territory is derived mainly from an annual grant provided by the Department of the Interior from funds appropriated by the United States Congress. The second and third largest sources of income are federal grants and revenues locally collected from taxation. During fiscal year 1989/90 (1 October 1989 to 30 September 1990), total revenues amounted to $35.5 million while annual expenditures amounted to $27.5 million. For 1989/90, the grant from the Administering Authority to the Trust Territory totalled approximately $25.3 million, of which $14.3 million came from funds from the Department of the Interior, $5.0 million from federal grants and approximately $6.0 million from Capital Improvement Program funds.

39. Local revenues amounted to $10.2 million, derived mainly from taxes and reimbursements for the use of public utilities. These revenues are controlled by the Palau legislature and appropriated to provide for its own support and for such legislative projects as may be authorized by law.

40. The Trust Territory Transition Office was responsible for monitoring disbursements of categorical grants that had not yet been completely transferred to Palau and for providing training in bookkeeping and fiscal management.

C. International trade

41. During 1988/89, exports from Palau were valued at $556,000 while imports for the same period amounted to approximately $5 million. According to the current annual report, imports for the period under review rose to $24.6 million.

D. Land

42. In 1986, titles to all public lands previously held by the High Commissioner of the Trust Territory were transferred to the four constitutional Governments. The Palau Land Claims Hearing Office, consisting of a senior land claims hearing officer and four assistant land claims hearing officers, has been hearing land disputes since 1987.

43. Seventeen part-time land claims hearing officers assist in collecting the evidence needed to settle land disputes. An additional 19 land registration officers serving the 16 states of Palau coordinate with the Land Claims Hearing Office to process and document claims for lands that have not yet been adjudicated. During the period 1 November 1989 to 31 October 1990, the agency adjudicated 751 land disputes.

E. Agriculture and forestry

44. Subsistence farming is the main agricultural activity throughout the Trust Territory. Various regional and international organizations, notably UNDP, FAO and SPC, provide assistance on crop research, market development and livestock production.

45. In 1990, sales of vegetables, fruits, staple crops, eggs, meat and processed food in Palau amounted to $440,675, compared with $449,853 during the previous year.

46. The Palau Agriculture Revolving Fund, created by the Palau legislature, continued to provide farmers with small farm tools, machinery, seeds and supplies. Sales during 1990 totalled $110,656, compared with $103,092 during the previous reporting period.

47. The United States Department of Agriculture Forest Service made a grant of $29,000 to the Palau Forestry Program for fiscal year 1990 and sponsored forestry-related programmes. Some 9,000 seedlings of timber, fruit crops and vegetables were distributed to farmers, schools and individuals through the forestry programme. Rental of farm equipment resulted in the cultivation of small gardens which totalled 13 hectares.

F. Marine resources

48. The Palau Maritime Authority is a semi-autonomous government agency created to negotiate foreign fishing agreements to allow tuna fishing within Palau's 200-mile exclusive economic zone. It also manages and regulates living marine resources within the zone. Agreements negotiated by the Authority have to be approved by the Olbiil Era Kelulau before entering into effect. During the period under review, a total of $659,000 was collected from the five foreign fishing agreements in effect.

49. Under the agreement with the Fisheries Association of Japan, the Authority allows up to 290 fishing vessels to fish in Palau's 200-mile exclusive economic zone. Revenue for the period July 1990 to January 1991 amounted to $250,000. The Multilateral Fisheries Treaty with the United States (a fisheries treaty between the Government of the United States and several Governments of the South Pacific Forum Fisheries Agency, including Palau) was administered and monitored by the Forum Fisheries Agency. Palau received $170,000 from this treaty during the period under review. Under an agreement with the Palau International Traders Inc., a locally registered corporation, a total of 249 fishing vessels have been issued fishing licences since 1985, yielding $117,000 to the Government of Palau in licence fees. The remaining two agreements were with local Palauan corporations, which yielded $67,000 in revenue.

50. During the reporting period, approximately 40 per cent of all fish caught were channelled through the Palau Federation of Fishing Associations which marketed approximately 170,000 kilograms of fish valued at $301,000 for the seven fishing cooperatives in Palau; approximately 40 per cent of that total amount of fish (excluding tuna) were exported to Guam. In addition, the Palau Division of Marine Resources reported that exports of inshore reef fish amounted to some 254 metric tons.

51. During the same period, the Palau Division of Marine Resources continued several projects to evaluate and assist fishery production. Other ongoing projects funded by grants-in-aid from Japan and the United States Department of the Interior include assistance to subsistence fishing.

52. Ten refrigeration plants acquired through a grant-in-aid from Japan were repaired. According to previous reports, ice needed for fishing activities is now abundant in the villages.

53. During the period under review, nine Palauans attended training programmes or courses in fisheries in Fiji or Japan.

54. The Micronesian Mariculture Demonstration Center (MMDC), a Palauan government facility, offers on a continuous basis a 30-day training course on Giant Clam Mariculture. It also offers a summer course to college-bound Palauan high school students, and visiting research experts present seminars on an ad hoc basis. During the period under review, it trained nine students. In 1990, MMDC received $120,000 from the United States Department

of the Interior, $15,000 from the Government of Canada and $96,000 from the Pacific Fisheries Development Foundation. More than 300,000 seed clams were produced and 100 shipments were sent to other Pacific Island countries. Revenue from training courses and clam seed sales amounted to $60,000 during 1989/90.

G. Industry, construction and public works

55. With the diversification of Palau's economic base, the number of entrepreneurs has continued to grow. A total of 700 business establishments were estimated to be conducting business in 1990, compared with 2,275 in 1989. The decrease, however, is believed to be on paper only as many family businesses had not filed with the Tax and Revenue Office. Land, air and surface transportation, construction, retailing, and hotels account for most of the private activity primarily related to the growth of the tourist industry. Of the 41 applications for foreign investors' business permits, the Foreign Investment Board of Palau approved 15 business applications and rejected 7; 2 were withdrawn and the remainder were pending.

56. In 1986, the National Power Plant at Aimeliik (the IPSECO power plant) began operations, reaching 50 per cent of the population. During the period under review, it operated continuously without major problems, although a number of power outages were recorded, mostly owing to obstructions in the distribution system. The monthly average energy generated was 4 million kilowatts, with an average daily peak load of 6,700 kilowatts. According to the current annual report, the older power station at Malakal has been refurbished and capacity output of 6.65 megawatts has been maintained.

57. The Palau Water Branch currently provides water to some 10,000 persons living within the service area of Koror, the capital, and nearby areas. Some 50 per cent of the system still operates on "water hours" of 16 hours per day, an improvement over the previous reporting period when most of the system was on "water hours".

58. The daily amount of 11.3 million litres pumped remains insufficient to meet the water demand. The primary reasons for the shortfall are leakage, poor water conservation and misuse of water resources.

59. According to the current report, over $9 million in capital improvement programmes has been spent since 1980 to improve and expand the water system.

60. Under a grant of $4.7 million from the Department of the Interior, a rural water systems project for 19 villages was initiated in Palau in 1984. Since that date, nine of those systems, which include catchment tanks, deep water wells and dams, have been constructed. The United States Congress approved an additional $2.5 million for financial year 1991 to construct five more systems, leaving five still to be constructed.

61. The sewerage system in Palau now serves some 4,000 to 5,000 people living in Koror or adjacent areas. Under a $1 million grant from the United States

Environmental Protection Agency (EPA), 450 house and building sewerage connections are being completed. Under another EPA grant of approximately $500,000, the construction of rural sanitation facilities in some 500 outer island dwellings is under way or will begin as soon as cement is delivered from off-island sources.

H. Tourism

62. The Micronesian Regional Tourism Council, a private, non-profit organization, serves as a coordinating agency for promotional and other tourist-related activities in the Trust Territory.

63. During the period under review, the number of tourists to Palau, mostly from Japan and the United States, increased in 1989, arrivals totalled 26,005, compared with 22,675 in 1988, representing an increase of 15 per cent. The increase is attributed to the extra 76 flights to the Territory by Continental/Air Micronesia. Hotel and motel accommodations decreased from 386 rooms in 1989 to 379 rooms in 1990. According to the current report, a 60-room hotel which had been destroyed by fire, had not reopened. According to a survey carried out by the Palau Visitors Authority, the average length of stay per tourist was 4.6 days, with a daily expenditure of $89.

64. During the same period, there were 20 restaurants, 9 gift shops, 9 car rental companies, 5 taxi companies, 2 local airlines and 2 sea transportation companies in the Territory.

I. Transportation and communication

65. The Micronesian Shipping Commission, composed of members from the Federated States of Micronesia, the Marshall Islands and Palau, continues to regulate shipping service operations in Micronesia. Regular shipping service to the west coast of the United States and Japan is provided by four shipping companies.

66. According to the current annual report, the present number of carriers is still adequate to supply needed goods to Palau. The only commercial port, which is at Malakal Harbor, requires improvements and expansion to alleviate congestion. There are two major access waterways leading to the commercial port that are marked by an international lateral buoyage system; the system is maintained by the Administering Authority.

67. Domestic surface transportation between Koror and outlying states is mostly by boat. The Government of Palau also operates a marine patrol boat and a landing craft facility. There were an estimated 234 outboard motor boats in Palau during the period under review.

68. In 1990, there were 64 kilometres of paved roads and 2,104 registered motor vehicles in Palau. Further, there were 1,526 telephones, 22 telex subscribers, 70 facsimile subscribers and 1,280 television receivers.

69. According to the current annual report, no appreciable improvements have been made to Palau's road system in the past year. The new United States Federal Operations and Maintenance Program, funded at $1.5 million, is expected to address this situation, including the rehabilitation of the Koror-Babelthuap bridge and the airport road, in the near future.

70. The Palau International Airport has a 2,195-metre asphalt runway. Continental/Air Micronesia is the only international carrier to serve Palau, with 13 regular weekly flights. During 1990 it increased its flights by 76, bringing in an additional 13,000 tourists to Palau. There are occasional charter flights from Japan by Japan Air Lines and All Nippon Airways. In addition, one local airline operates between Koror and the outlying states of Angaur and Peleliu.

IV. SOCIAL ADVANCEMENT

A. Human rights

71. The inhabitants of the Trust Territory are guaranteed, inter alia, the following basic human rights and fundamental freedoms as set forth in the Trust Territory Code and the constitutions of each of the national and state governments that make up the Trust Territory: freedom of religion, of speech and of the press; the right of assembly and the right to petition; no slavery or involuntary servitude; protection against unreasonable search and seizure; no deprivation of life, liberty or property without due process of law; no discrimination on account of race, sex or language; writ of habeas corpus; protection of trade and property rights; and due recognition of local customs. The right of petition is granted and inhabitants have petitioned the United Nations and the Administering Authority.

72. Women in the Trust Territory are equal to men under the law. They have equal access to courts and equal rights to own property, to control earnings, to act as guardians, to engage in business, to hold public office and to vote. The strength of local custom, however, may influence the exercise of these rights to varying degrees.

B. Medical and health services

73. The centre of Palau's health system is the 68-bed MacDonald Memorial Hospital located at Koror, where 68 per cent of the population resides. With the improvement of the road infrastructure, some 79 per cent of the population has easy access to the hospital.

74. Residents outside the centre rely for primary care on 13 dispensaries located in 12 of the 16 states of Palau and travel to the hospital for secondary and more sophisticated care. Travel time between the outlying areas and the hospital at Koror ranges from 20 minutes to two hours by boat or plane, depending on tide, weather conditions and distance. Conditions of the

outlying dispensaries staffed by health assistants, range from poor to fair and functional. The Southwest Islanders, numbering approximately 150 people, must wait for field-trip ships to travel to the centre for care. There is daily contact via short-wave radio to the communications centre and the hospital, however. Emergency evacuations for Southwest Islanders are made as necessary.

75. According to the current annual report of the Administering Authority, the staff, equipment and facilities at the hospital are not fully adequate for primary and secondary care. During the period under review, a total of 90 patients with more complicated illnesses requiring secondary and tertiary care were referred to facilities in Guam, the Philippines and Hawaii. The Government of Palau pays for half the cost of medical care, while the patient is responsible for the other half, plus transportation and off-island living expenses. No patient is refused medical referral, however, if unable to pay his or her share of the expenses. During fiscal year 1990, the estimated cost of off-island referrals amounted to $714,500, which included the operation of the Hawaii-based Medical Referral Office. Consultants are also brought to Palau to evaluate patients and to perform surgery locally. Referrals were increased by 60 per cent without increasing costs owing to the reduced cost of services provided by hospitals in the Philippines.

76. As reported in the previous annual report, construction had begun in January 1989 on a new health facility to replace the MacDonald Memorial Hospital at Koror. Over 60 per cent of the funding had been approved by the United States Congress. According to the current annual report, to date a total of approximately $16.0 million has been appropriated for the new hospital. During the period under review, per capita expenditure on health amounted to $153.13. Funding was derived mostly from United States federal grants, the Government of Palau, WHO, UNFPA and UNICEF.

77. Medical care in 1989 was provided by 6 fully qualified doctors, 5 medical officers, 5 registered nurses, 48 graduate nurses, 15 practical nurses and 19 health assistants. According to the current report, the per capita ratio of fully qualified medical doctors was 1 for 2,044.

78. In 1989, daily care was provided at the dental clinic by two dental officers, four nurses, one laboratory technician, one dental assistant and five assistant trainees. Nurses visit schools regularly to administer a fluoride mouth-rinse programme, conduct dental health education and make field trips to outlying states to provide dental care.

79. The leading causes of death in Palau in 1989 continued to be circulatory and respiratory diseases. There was a total of 101 deaths in 1989, a decrease of 11 from the previous year. During the reporting period, there were 309 live births or a crude birth rate of 21.7 per 1,000, and 5 infant deaths or an infant mortality rate 16.2 per 1,000, a decrease from 27.4 per 1,000 in the previous period. No maternal deaths have occurred in the last 10 years in Palau.

80. The United States Public Health Service, the Communicable Disease Control Agency and EPA cooperate with the Trust Territory in providing some laboratory services, special grant assistance and environmental and epidemiological consultation. Each year a number of consultants are provided to the Trust Territory by the United States Public Health Service, the Energy Resources Development Agency, United States federal agencies, WHO, SPC, the Tripler Army Medical Center, Letterman Hospital, the Naval Regional Medical Center on Guam, the School of Public Health, the Nursing School of Medicine of the University of Hawaii and other institutions in the United States. These organizations continue to offer training opportunities through fellowships and in-service training seminars.

81. The Trust Territory is affiliated with WHO, Western Pacific Region, and actively supports and subscribes to the International Sanitary Regulations and makes epidemiological reports to WHO. WHO and the health section of SPC provide technical assistance upon request. All aspects of collaboration with WHO were transferred to the four constitutional Governments in July 1986. Palau now has direct agreements with SPC, UNICEF, UNFPA and ESCAP. Maternal and child health care, family planning programmes and communicable disease control are available. Federally funded programmes raised the immunization level for all children between one and six years of age to 95.8 per cent against the seven vaccine-preventable diseases.

C. Community development

82. The Palau Bureau of Community Services provides youth development programmes, circulates video programmes on the dangers of drugs and alcoholism, is responsible for identifying and protecting the cultural and historical heritage of Palau and serves as a focal point for women's interests.

83. The mental health programme has been expanded to emphasize drug abuse. A social worker and a psychiatrist have been hired to assist in the programme's services. In 1987, when drug use was at its peak, 64 people were treated for drug-related problems. Currently there are no known hard drug users and only three former users who receive treatment for related problems. Alcohol and marijuana use continued due to the availability of the substances in the islands.

84. The Administering Authority's report states that health education programmes, seminars and conferences on drug prevention and drug abuse have been held on the island, although it is difficult to ascertain whether they have had any effect on the decline of drug abuse. It could be said, however, that the decline in the number of hard drug users was due to the Drug Enforcement Agency's arrests, which greatly reduced the commerce in hard substances. (See also paras. 94 and 95)

85. The Palau Social Security System has now been in operation for three years. It covers all workers in Palau and Palauans working outside the Territory and is administered by five Board members appointed by the President

and confirmed by the Senate of the Olbiil Era Kelulau. Contributions to the system in 1989/90 amounted to $1,470,800. Currently 1,010 beneficiaries receive payments from the social security whose total disbursements in 1989/90 amounted to $1,716,800.

86. A 13-member United States Navy Civic Action Team (Seabees) continued operations in the Trust Territory at the request of the local Government. As in past years, the Civic Action Team provided rural communities with small-scale construction projects such as farm roads, school improvements and other facilities. The team also provided some health treatment through its medic and trained local youths in the use and maintenance of construction equipment and techniques. A community-based council determines what projects will be addressed by the team. This team of 13 construction and medical workers constitutes the only military presence in the Trust Territory.

D. Labour

87. In 1990, a total of 1,410 persons were employed by the Government of Palau, a decrease of 253 from 1989. A further 3,206, half of whom were from the Philippines, were employed in the private sector.

88. The Palau Civil Service Pension Plan and Retirement Fund legislation was enacted in April 1987 to provide annuities and benefits to government employees and to encourage qualified personnel to enter government service. Employees and the Government make matching contributions of 6 per cent of their salary to the Fund.

E. Public safety

89. The current annual report states that, as part of the general reduction of the operations of the Trust Territory administration in Saipan, the Office of the Attorney-General has been phased out completely. Most functions have been transferred to the constitutional Government of Palau. Legal matters involving the Trust Territory are handled either by a contract attorney or the solicitor's office of the Department of the Interior.

90. The statutory laws of the Trust Territory are codified in the Trust Territory Code. Additional legal sources are the following: (a) the Trusteeship Agreement; (b) applicable United States laws, including executive orders of the President of the United States and orders of the Secretary of the Interior; (c) acts of the legislative body of the Republic of Palau; (d) the constitutions of the Governments; (e) rules and regulations issued pursuant to the law; (f) executive orders of the chief executives of the constitutional Governments; (g) municipal and state ordinances; (h) common law; and (i) customary law. The customary laws of the various parts of the Territory have the full force and effect of law, provided there is no conflict with statutory and other written laws specifically applicable in the Trust Territory.

91. The Bureau of Public Safety, which is responsible for maintaining order and protecting life and property in Palau, had a staff of 72 in 1990. During the period under review, it had been aggressively enforcing existing laws against trafficking in illegal substances.

92. Three fishing vessels were seized for illegal fishing and entry into Palau's exclusive economic zone during the reporting year. The fishing vessels had a total of 78 crewmen: 29 from Hong Kong, 31 from the Philippines and 18 from Indonesia. All were held in custody in their boats pending court action.

93. During the period under review, a total of 243 major crimes were reported. There were 7 homicides, 22 aggravated assaults and 214 reported cases of theft with violence. The number of prisoners totalled 52 during the same period.

94. In recent years, Palau has pursued efforts to control illicit drugs by enforcing drug laws and providing neighbouring islands with information on drug smuggling in the region. In 1988, the Palau Drug Free Education Program was funded for three years in an effort to reduce alcohol- and drug-related problems. International drug trafficking was significantly reduced when 13 Palauans were arrested in August 1989. They subsequently pleaded guilty to trafficking in heroin and marijuana.

95. During the period under review, $262,000 was allocated to the Palau Drug Free Education Program and Drug Free Training Program to fund activities geared towards reducing the level of alcohol- and drug-related problems. Activities included research to determine the extent of alcohol- and drug-related problems, developing school curriculum, training personnel to carry out drug free activities, developing out-of-school preventive programmes and improving coordination and collaboration of various agencies involved in the effort. Drug free education programme curriculum and materials have been developed to support the programme in the schools.

F. Peace Corps

96. During the period under review, Peace Corps volunteers in Palau numbered 13. At the invitation of the Government of Palau, the Peace Corps serves in projects developed by the national and state governments. In September 1990, all volunteers were assigned to a Youth Programme Development Project in rural or outer island communities. Under a project initiated in 1987, all volunteers teach English as a second language in their respective communities.

V. EDUCATIONAL ADVANCEMENT

A. General

97. The Trust Territory Office of Education was closed after the transfer of all federal education programmes to the Palau Government in 1987. Palau is considered a "state agency" in its own right and administers programmes according the terms of each programme.

98. All the principal educational responsibilities handled by the former Trust Territory Office of Education were transferred to the Palau Bureau of Education, Ministry of Social Services.

B. Primary and secondary education

99. During the period under review, there were 22 public elementary schools in Palau. Elementary school enrolment totalled 2,494 pupils of whom 369 were in the 2 private elementary schools. Of the 168 elementary teachers, most of whom were Palauans, some 150 were degree holders.

100. After eight years of compulsory elementary education, a student may enrol at the only public high school or at one of the five private (church affiliated) high schools. An estimated 95 per cent of students who complete elementary education go on to secondary education. Education is compulsory in Palau for children from the age of 6 to 14.

101. Each year, Palau High School administers entrance tests in English, science and social studies and mathematics to determine the ability of the students to take regular high school programmes. For 1989-1990, of the 295 students who took the entrance test, only 54 per cent passed and were placed in the regular Palau High School programme. About 60 students or 18 per cent were placed in the high school remedial programme. Some 136 students (46 per cent) who did not pass the test were absorbed by the high school remedial programme in the five private high schools.

102. During the period under review, secondary school enrolment totalled 1,055 pupils, of whom 445 were enrolled in private institutions.

103. Some students are also enrolled in schools outside Palau. The current annual report estimates that for the past 11 years, at least 75 per cent of students who graduate from Palau secondary schools go on to post-secondary education, mostly outside of Palau.

104. Currently, the Bureau of Education, through the Division of Curriculum Development, implements 11 federally funded programmes to support the education system in the areas of: (a) instruction to students on basic skills; (b) development and reproduction of locally developed instructional materials; (c) the acquisitions of commercially developed instructional materials; and (d) the training of teachers in the use of effective teaching

technologies, etc. The 11 programmes cover, inter alia, the following: (a) bilingual education; (b) education consolidation improvement; (c) territorial teacher-training; (d) state desegregation; (e) vocational rehabilitation; (f) drug free education (see para. 94); (g) nutrition assistance; and (h) leadership development. Funding for the 11 programmes amounts to some $3.7 million.

C. Higher education

105. In 1989, approximately 700 Trust Territory students were enrolled in various colleges and universities abroad, mostly on the United States mainland, Hawaii, Guam, Japan and Australia. Financial assistance for those students comes from United States federal aid, Palau national scholarships, Pacific Island student loans, family contributions and part-time employment.

D. Vocational training

106. In Palau, the main educational institution providing vocational training is the Micronesia Occupational College. The college serves all Micronesia with enrolment from various ethnic areas including Yap, Truk, Pohnpei, Kosrae in the Federated States of Micronesia and the Marshall Islands.

107. The College offers vocational education courses including construction trades and business courses leading to an Associate of Arts/Science degree. Enrolment at the College averages about 400 students during the regular sessions and over 200 during the summer sessions.

E. Teacher training

108. According to the current annual report, under the five-year education plan in Palau, all teachers must have a Bachelor of Arts degree by 1990. Prior to 1990, an associate degree was required. In order to meet this requirement, the Palau Bureau of Education entered into an agreement with the United States International University for an ongoing degree programme which has been conducted in Palau since January 1987. During the period under review, it was reported that 90 per cent of the teachers held associate or bachelor's degrees. Since 1981, the Bureau of Education of Palau has arranged extension courses for teachers with the University of Hawaii, the San José State University and the University of Guam with funds made available by the Trust Territory Training Assistance Program.

F. Dissemination of information on the United Nations

109. In previous sessions of the Trusteeship Council, the Administering Authority stated that it was ready to cooperate fully with the United Nations in any effort to improve the quality of information provided on the Organization and to update the mailing and distribution lists.

VI. CONSTITUTIONAL DEVELOPMENT AND PROGRESS TOWARDS SELF-GOVERNMENT OR INDEPENDENCE

A. General

110. Background information concerning constitutional developments in the Trust Territory is contained in previous reports of the Trusteeship Council to the Security Council and of United Nations visiting missions. 8/ (See also T/L.1269 and T/L.1274.)

111. At its fifty-third session, on 28 May 1986, the Trusteeship Council adopted, by 3 votes to 1, resolution 2183 (LIII), by which it noted that the peoples of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia and Palau had freely exercised their right to self-determination in plebiscites observed by the visiting missions of the Trusteeship Council and had chosen free association with the United States in the case of the Marshall Islands, the Federated States of Micronesia and Palau, and Commonwealth status in the case of the Northern Mariana Islands. 9/

112. The Trusteeship Council requested the Government of the United States, in consultation with the four Micronesian Governments, to agree on a date not later than 30 September 1986 for the full entry into force of the Compact of Free Association and the Commonwealth Covenant, 10/ and to inform the Secretary-General of the United Nations of that date. The Council considered that the Government of the United States, as the Administering Authority, had satisfactorily discharged its obligations under the terms of the Trusteeship Agreement 2/ and that it was appropriate for the Agreement to be terminated with effect from the date mutually agreed upon. At the same session, the Council also recommended that the Administering Authority complete its internal process of approval of the Compact of Free Association for Palau at the earliest possible date.

113. In a letter dated 23 October 1986 (T/1903), the Permanent Representative of the United States to the United Nations informed the Secretary-General that, as a consequence of consultations held between his Government and the Government of the Marshall Islands, agreement had been reached that 21 October 1986 was the date upon which the Compact of Free Association with the Marshall Islands would enter fully into force. Further, the Permanent Representative informed the Secretary-General that the Compact of Free Association with the Federated States of Micronesia and the Commonwealth Covenant with the Northern Mariana Islands would enter into force on 3 November 1986.

114. At its fifty-fourth and fifty-fifth sessions, the Trusteeship Council recalled its resolution 2183 (LIII) of 28 May 1986 and recommended that the process of approval of the Compact of Free Association for Palau should be completed at the earliest possible date. 11/ At its fifty-sixth session, the Trusteeship Council again recalled its resolution 2183 (LIII). 12/

115. At its last session, the fifty-seventh session, the Trusteeship Council noted its resolution 2183 (LIII). It noted also that at the plebiscite held

in Palau on 6 February 1990, the Compact of Free Association did not obtain the 75 per cent majority necessary for ratification. It noted also the statement of the representative of the Government of Palau in the Trusteeship Council on 21 May 1990 that the leadership of Palau was reviewing possible options with respect to the resolution of Palau's future political status. In that regard, the Council welcomed the assurance of the Administering Authority in its annual report on the Trust Territory that it was prepared to assist the Government of Palau, at its request, in any appropriate endeavour leading to the final determination of a political status chosen by the people of Palau. 7/

116. In its current annual report, the Administering Authority reiterates that it continues to be prepared to assist the Government of Palau, at its request, in any appropriate endeavour leading to the final determination of a political status chosen by the people.

B. Consideration by the Security Council of the status of the Trust Territory of the Pacific Islands

117. At its 2972nd meeting, on 22 December 1990, the Security Council considered the status of the Trust Territory of the Pacific Islands. Members of the Council had before them document S/22008, which contained a letter dated 7 December 1990 from the President of the Trusteeship Council addressed to the President of the Security Council, and document S/22001, which contained a draft resolution on the Trust Territory submitted by China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States. The President also drew attention to document S/22007, which contained a letter dated 17 December 1990 from the Permanent Representative of Papua New Guinea to the United Nations addressed to the President of the Security Council; to document S/22009, which contained a letter dated 19 December 1990 from the Permanent Representative of Vanuatu to the United Nations addressed to the President of the Security Council; and to document S/22034, which contained the text of a letter dated 21 December 1990 from the Permanent Representative of Cuba to the United Nations addressed to the President of the Security Council.

118. At the same meeting, following statements made by the representatives of Cuba, the United States and New Zealand, the Security Council adopted by a vote of 14 in favour to 1 against the draft resolution contained in document S/22001 as resolution 683 (1990). The draft resolution reads as follows:

"The Security Council,

"Recalling Chapter XII of the Charter of the United Nations which established an international trusteeship system,

"Conscious of its responsibility relating to strategic areas as set forth in Article 83, paragraph 1, of the Charter of the United Nations,

"Recalling its resolution 21 (1947) of 2 April 1947, in which it approved the Trusteeship Agreement for the former Japanese Mandated Islands, since known as the Trust Territory of the Pacific Islands,

"Noting that the Trusteeship Agreement designated the United States of America as Administering Authority of the Trust Territory,

"Mindful that Article 6 of the Trusteeship Agreement, in conformity with Article 76 of the Charter, obligated the Administering Authority, inter alia, to promote the development of the inhabitants of the Trust Territory towards self-government or independence as may be appropriate to the particular circumstances of the Trust Territory and its peoples and the freely expressed wishes of the peoples concerned,

"Aware that, towards this end, negotiations between the Administering Authority and representatives of the Trust Territory began in 1969 and resulted in the conclusion of a Compact of Free Association in the case of the Federated States of Micronesia and the Marshall Islands, and a Commonwealth Covenant in the case of the Northern Mariana Islands,

"Satisfied that the peoples of the Federated States of Micronesia, the Marshall Islands, and the Northern Mariana Islands have freely exercised their right to self-determination in approving their respective new status agreements in plebiscites observed by visiting missions of the Trusteeship Council and that, in addition to these plebiscites, the duly constituted legislatures of these entities have adopted resolutions approving the respective new status agreements, 1/ thereby freely expressing their wish to terminate the status of these entities as parts of the Trust Territory,

"Hoping that the people of Palau will be able in due course to complete the process of freely exercising their right to self-determination,

"Taking note of resolution 2183 (LIII) of the Trusteeship Council of 28 May 1986 and subsequent reports of the Trusteeship Council to the Security Council,

"Determines, in the light of the entry into force of the new status agreements for the Federated States of Micronesia, the Marshall Islands and the Northern Mariana Islands, that the objectives of the Trusteeship Agreement have been fully attained, and that the applicability of the Trusteeship Agreement has terminated, with respect to those entities."

"1/ See resolution No. 4-60 of the Congress of the Federated States of Micronesia (26 March 1986); resolution No. 62 N.D.-2 of the Nitijela of the Marshall Islands (18 February 1986); and resolution No. 76-1975 of the Fourth Mariana Islands District Legislture (20 February 1975).

119. After the adoption of the resolution, statements were made by the representatives of France, China, Cuba, the United Kingdom, the United States, the Soviet Union and Ethiopia. 13/

Notes

1/ Also issued as document S/22008.

2/ Trusteeship Agreement for the Trust Territory of the Pacific Islands (United Nations publication, Sales No. 1957.VI.A.1).

3/ 1990 Trust Territory of the Pacific Islands, October 1, 1989 to September 30, 1990, forty-third annual report to the United Nations on the administration of the Trust Territory of the Pacific Islands, transmitted by the United States of America to the United Nations pursuant to Article 88 of the Charter of the United Nations (Department of the Interior).

4/ The currency of the Territory is the United States dollar ($US).

5/ 1987 Trust Territory of the Pacific Islands, October 1, 1986 to September 30, 1987, fortieth annual report to the United Nations on the administration of the Trust Territory of the Pacific Islands, transmitted by the United States of America to the United Nations pursuant to Article 88 of the Charter of the United Nations (Department of the Interior).

6/ For the report of the Mission, see Official Records of the Trusteeship Council, Fifty-seventh Session, Supplement No. 1 (T/1942 and Corr.1).

7/ Official Records of the Security Council, Forty-fifth Year, Special Supplement No. 1 (S/22212), para. 152.

8/ Official Records of the Security Council, Fortieth Year, Special Supplement No. 1 (S/17334 and Corr.1); Official Records of the Trusteeship Council, Fiftieth Session, Supplement No. 3 (T/1851); ibid., Fifty-third Session, Supplement No. 1 (T/1878); ibid., Supplement No. 2 (T/1885); ibid., Fifty-fourth Session, Supplement No. 2 (T/1919); ibid., Supplement No. 3 (T/1920); ibid., Fifty-sixth Session, Supplement No. 1 (T/1935); and ibid., Fifty-seventh Session, Supplement No. 1 (T/1942 and Corr.1).

9/ Official Records of the Security Council, Forty-first Year, Special Supplement No. 1 (S/18238), para. 211

10/ For the text of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, see Official Records of the Trusteeship Council, Forty-second Session, Sessional Fascicle, annexes, document T/1759.

Notes (continued)

11/ Official Records of the Security Council, Forty-second Year, Special Supplement No. 1 (S/19596), para. 202; ibid., Forty-third Year, Special Supplement No. 1 (S/20168), para. 120.

12/ Ibid., Forty-fourth Year, Special Supplement No. 1 (S/20843), para. 172.

13/ See S/PV.2972.